

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OR PARTIAL CANCELLATION AND ASSIGNMENT

OF RIGHTS FOR WATER APPROPRIATION D-857

WATER DIVISION 1-A

BACKGROUND

1. Browns Creek Irrigation District (District) holds appropriation D-857 to divert 59.88 cubic feet per second (cfs) of water from the North Platte River through the headgate of the Browns Creek Canal located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 29, Township 20 North, Range 50 West of the 6<sup>th</sup> P.M. in Morrill County for the purpose of irrigation of 4,192.7 acres and 27.62 cfs for incidental underground storage.
2. On May 1, 2015, the District and individual landowners filed in the Department Relinquishments of Surface Water Appropriation in Part REL-5421 and REL-5422 relinquishing the right to divert water for irrigation under appropriation D-857.
3. On May 1, 2015, the District filed in the Department Notification of Assignment of Rights AOR-5423 to assign a portion of water appropriated under appropriation D-857 to the land shown on the aerial photograph submitted with AOR-5423.

IT IS HEREBY ORDERED

1. Part of appropriation D-857 in the amount of 1.79 cfs for irrigation of the 125.6 acres of land described in Attachment A and shown on aerial photographs filed with REL-5421 and REL-5422 and 0.83 cfs for incidental underground storage are CANCELLED.
2. The Department acknowledges the Notification of Assignment of Rights, AOR-5423 filed by the District on May 1, 2015, to assign the 125.6 acres of land previously relinquished under appropriations D-857 to the land listed on Attachment B and shown on the aerial photograph submitted with the aforementioned assignment.
3. Appropriation D-857 shall be shown in Department records as a permit to divert 59.88 cfs of water for irrigation of 4,192.7 acres and 27.62 cfs for incidental underground storage (U-18) from the North Platte River through the Browns Creek Canal. All terms and conditions of D-857 remain in effect unless specifically changed by this Order.

4. Land entitled to irrigation from the North Platte River through the headgate of the Browns Creek Canal located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 29, Township 20 North, Range 50 West of the 6<sup>th</sup> P.M. in Morrill County for the purpose of irrigation and incidental underground storage under the District's appropriations are described below.

Appropriation Number	Priority Date	Source	Use	Permitted Appurtenant Acres	Maximum Diversion in cfs <sup>1</sup>
D-857	01/20/1892	North Platte River	IR <sup>2</sup>	4,192.7	59.88
			US <sup>3</sup>		27.62

<sup>1</sup> Grant is in cubic feet per second

<sup>2</sup> IR = Irrigation from naturally flowing source

<sup>3</sup> US = Incidental underground storage

5. Land entitled to irrigation from the North Platte River through the headgate of the Browns Creek Canal located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 29, Township 20 North, Range 50 West of the 6<sup>th</sup> P.M. in Morrill County for the purpose of irrigation under the District's appropriations are described on Attachment C which are made a part of this Order.
6. All terms and conditions of appropriation D-857 remain in effect unless specifically changed by this Order.
7. The appropriator must comply with all relevant statutes. This includes, but is not limited to, the following:
- A. Receiving approval prior to taking any action that changes the location of the point of diversion, a transfer of the location of the place of use, a relinquishment of a portion of the appropriation, the type of use, or the type of appropriation.
  - B. Notify the Department of Natural Resources of any reassignment of relinquished portions of an appropriation.
  - C. Comply with all relevant notices and orders of the Department.

#### ADDITIONAL INFORMATION

Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources may cause cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

Nebraska law provides that failure to use an appropriation for more than five consecutive years may result in cancellation of the appropriation.

DEPARTMENT OF NATURAL RESOURCES

June 24, 2015

  
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James C. Schneider, Ph.D.  
Acting Director

A copy of this Order was posted on the Department's website. Copies of this Order and Attachments A, B and C were provided to the Department's field office in Ord, Nebraska. Copies of this Order and Attachments A, B and C were mailed on June 24, 2015, to the following:

Philip Amateis  
Browns Creek Irrigation District  
11573 Road 88  
Broadwater, Nebraska 69125